

Adopted January 25, 2008

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center / Terrence D. Moore Lecture Hall

15C Springfield Road

New Lisbon, New Jersey

January 7, 2008

MINUTES

MEMBERS IN ATTENDANCE: Chairperson Betty Wilson, Vice-Chairman Norman Tomasello, Candace Ashmun, Leslie Ficcaglia, Stephen Lee, Ed Lloyd, John Haas (1st Alternate), and Robert Hagaman (3rd Alternate)

OTHER COMMISSIONERS IN ATTENDANCE: Paul Galletta and Daniel Kennedy

MEMBERS ABSENT: Robert W. McIntosh

STAFF PRESENT: Larry Liggett, Susan Grogan, Stacey Roth, Paul Leakan, Paul Tyshchenko, and Nadine Young

Chairperson Wilson called the meeting to order at 9:34 a.m. Mr. Stokes read the Open Public Meetings Act Statement.

Adoption of minutes from the November 28, 2007 CMP Policy and Implementation Committee meeting.

Commissioner Ashmun moved the adoption of the minutes of the November 28, 2007 CMP Policy and Implementation Committee meeting. Commissioner Haas seconded the motion. Chairperson Wilson asked that one correction be made in the minutes on page 7, under #3, last line in the first paragraph to read: “agreed to do as part of the settlement agreement in the matter of the Stafford Business Park.” With both Commissioners Ashmun and Haas accepting the change, the Committee adopted the minutes.

Executive Director’s Reports

Hamilton Township Ordinance 1606-2007, adopting a Redevelopment Plan for the Mill Complex Redevelopment Area within the Township’s Regional Growth Area.

Mr. Stokes stated that the Hamilton Township Ordinance involves PDC use and as a result of the ongoing questions that are pending before the State Ethics Commission on the larger issues surrounding policy making on PDCs, Ms. Roth is prepared to provide some advice to the Committee today.

Ms. Roth stated that she was asked to look at whether or not the issues associated with the Hamilton Township Ordinance were in any way related to or raised the same level of concern as the Pinelands Development Credit (PDC) issue that is presently pending before the State Ethics Commission. In this case, what is before the Committee is an ordinance where the Township has determined how many PDCs would be required in a specific area. All the Committee is being asked to do is to determine whether or not the ordinance as presented is consistent with the requirements of the Comprehensive Management Plan (CMP). Therefore, she said that she does not see a conflict of interest issue with regard to PDCs in this matter.

Commissioner Kennedy arrived at the meeting.

Ms. Grogan introduced Phil Sartorio, Director of Community of Planning and Economic Development from Hamilton Township and stated that he is here today to answer any questions that the Committee may have. She said that he did testify at the public hearing and it is appropriate for him to reiterate his testimony and answer any other questions the Committee might have especially about the ordinance.

Ms. Grogan stated that Hamilton Township has adopted an Ordinance 1606-2007, which adopts a redevelopment plan. The Township has designated approximately 5 ½ acres within its Regional Growth Area as a Redevelopment Area. The property is located in the Township's Industrial Business Park Zone (a non-residential zoning district). She said it is the Wheaton Mill property, and old cotton mill dating back to mid-1800's which has been changed and expanded a number of times over the years. The Township recognized that the existing zoning which applies to the property really isn't all that appropriate as it is meant more for vacant land. The Redevelopment Plan represents a new zoning district and will permit a mixture of uses-both residential and commercial on the site. Permitted density is 40 units per acre, maximum height is 95 feet, 10% of the units must be made available for affordable housing, and PDCs are required for 16.7% of the market rate units in the Redevelopment Area (1 right for every 6 market rate units). She said that in terms of consistency with the CMP, the Township has met its Regional Growth Area residential zoning obligation and has in fact gone well beyond the minimum that the CMP requires. She said this would be the same in terms of PDC use noting that the Township has more than met its minimum obligation. She said that it is also important to note that Ordinance 1606-2007 guarantees that there will be PDC use in the Redevelopment Area. She said that Commission staff is satisfied with what the Township has done and is comfortable at this point recommending approval to the Committee today.

Mr. Stokes emphasized several of the points made by Ms. Grogan, noting that Hamilton Township was one of the first municipalities to participate in the Commission's community development initiative, funded by the Dodge Foundation. Redevelopment of this area was a recommendation that was advocated by the Township's own planning team through that process.

Commissioner Ficcaglia moved the recommendation to the Commission of the certification of Hamilton Township Ordinance 1606-2007. Commissioner Tomasello seconded the motion.

Commissioner Lloyd asked with regard to the COAH obligation does 10 percent meet COAH standards; either the current standards or the third round standards.

Ms. Grogan said that she believes it is slightly lower than COAH's previous third round growth share rules.

Commissioner Lloyd asked how the Commission addressed this issue in reviewing these ordinances. He asked if there is a COAH certified plan for the Township.

Mr. Sartorio stated that the Township's does have a second round plan that was recently certified by the court in October. He said that COAH in December came out with their proposed amendments to the third round rules. This site does not meet the 1 in 5 requirement of the proposed new rules. He said that the Township acknowledges that and when it does its third round plan, appropriate zoning changes will be made. The Township may have to sponsor some affordable housing projects to achieve that number.

Commissioner Ashmun asked if the ordinance allows the 95 feet height anywhere in the redevelopment zone.

Mr. Sartorio replied that a height of 95 feet is permitted only on Parcel #1.

Commissioner Ashmun asked if the historic preservation people ultimately decide that a height of only 50 feet can be permitted, will the Commission need to review and approve the ordinance again.

Mr. Stokes replied no.

Mr. Sartorio said that height will be dealt with in the review process rather than amending the ordinance unless the Township chooses to do so.

Commissioner Ashmun said that the public hearing testimony indicates the redeveloper said he needs the 95 feet in order to make the project viable. She wanted to be sure that there is enough flexibility in this ordinance for the Township to deal with this one way or another so that this ordinance doesn't have to be dealt with again.

Ms. Grogan said that this matter would be dealt with through the project review process.

Commissioner Lee asked how the historic preservation standards govern future building in a way that doesn't appear to be arbitrary in terms of height limitations.

Mr. Stokes replied that neither he nor the Commission has had any experience relative to redevelopment of an historic resource where height might be a concern. He said that

while there is always some judgment involved, he would doubt that it would end up an arbitrary matter.

Commissioner Lee asked if the height impact is on the surrounding area or the 5 ½ acre Redevelopment Area.

Mr. Stokes replied that the cultural resource survey will determine what the significance is of the property and the structures and then the review will be judged against those characteristics.

Chairperson Wilson indicated that she chaired the Historic Preservation Commission in her town for 10 years and said that the standards that are applied are those that are spelled out by the Secretary of the Interior, so it is not arbitrary. She said that the standards are spelled out and adopted through the National Register process and the Federal Register process. These buildings are on the State and National Registers of Historic Places and will have to be reviewed for their compliance with the Secretary's standards.

Commissioner Lloyd said that it is his understanding that this will have to go through National and State review because it is on both Registers and the Commission will get input or the developer or Township will get input through that process.

Mr. Stokes said that historic standards are regulatory standards that are included in the Township's ordinance and the CMP. The Commission itself will play a very direct role in the regulatory review. The extent to which the State Historic Preservation Office or others will be involved in the review will be a function of whether or not there is any state funding or state action which might be required. The State has its own Historic Preservation Act and there is a National Historic Preservation Act and the state has been delegated general responsibility to administer the Federal Act. In terms of the Federal Act, there has to be a Federal role or involvement which can come in many number of different ways-funding is the most common, but could arise in some other sort of permitting requirement. He said in terms of the State, there is an Executive Order that establishes an environmental review process for certain government projects that are over a certain size and that would probably not apply here because this would not be a direct government project, unless there was some sort of public money involved. He said that the same thing would hold true if some sort of State permit might be needed. He said that it is possible that either State or Federal Historic Preservation requirements will come into play here but it is also possible that they will not and the Commission would be the sole state entity that would be involved. He said that in the past when the Commission has gotten involved in Register properties, it often consults with the State Historic Preservation Office.

Chairperson Wilson said that the Township has a local Historic Preservation Commission which will have the first role.

Mr. Sartorio stated that the redeveloper has hired an architect who is very experienced in dealing with these matters.

The Committee voted unanimously to recommend certification of the Hamilton Township ordinance amendment.

Mr. Sartorio thanked the Committee.

Stormwater Plans and Ordinances

Ms. Grogan said that the four stormwater plans and ordinances are all in response to the Commission's May 2006 amendments to the CMP dealing with stormwater management. All four are recommended for full certification.

Beachwood Borough

Commissioner Haas moved the recommendation to the Commission of the certification of Beachwood Borough's November 2007 Stormwater Management Plan and Ordinances 2006-08, 2006-24, 2007-02, 2007-11 and 2007-13. Commissioner Tomasello seconded the motion and all were in favor.

Buena Borough

Commissioner Ficcaglia moved the recommendation to the Commission of the certification of Buena Borough Resolution No. 2007-42 and Ordinance 554. Commissioner Ashmun seconded the motion and all were in favor.

Franklin Township

Commissioner Tomasello moved the recommendation to the Commission of the Franklin Township's Stormwater Management Plan dated February 2006, Revised November 2007, and Ordinances 0-5-07 and 0-5-07 Amended. Commissioner Lee seconded the motion and all were in favor.

Lakehurst Borough

Commissioner Haas moved the recommendation to the Commission of the Lakehurst Borough's September 2006, revised October 2007, Stormwater Management Plan and Ordinance 06-07. Commissioner Ashmun seconded the motion and all were in favor.

Commissioner Ashmun asked with regard to stormwater in general if the State should decide to use different rates of infiltration, would the Commission need to amend the CMP and then recertify all of these municipal ordinances.

Ms. Grogan replied that the CMP incorporates by reference DEP's stormwater standards now. Amendments to the CMP would be necessary only if the Commission decided it did not wish to incorporate DEP's revised standards.

Discussion of the Executive Director's alternative resolutions regarding Buena Vista Township Ordinance 19-2007 and the Richland Village Redevelopment Area

Mr. Stokes stated that as the Committee knows, the Mayor of Buena Vista Township had requested and he had granted a 30-day extension of the Commission's review period on this ordinance. He said that the package that was forwarded to the Committee members include four numbered resolutions. He said that the first resolution was the certification resolution that was submitted to the full Commission. He said that this resolution is pending before the Commission at this point. The second resolution was the alternative resolution that Commissioner Ashmun asked to be included in the last Commission meeting packet. The third and fourth resolutions are new. The third resolution is his attempt to take a look at some of the questions and concerns that were expressed by some Commission members as well as to firmly establish the basis upon which this ordinance should be certified. He proposed to the Committee to substitute resolution #3 for the resolution advocated initially which is resolution #1. Resolution #4, recommended by DAG Haynes, is an attempt to follow up on the implementation of #3 and evaluate the Richland Village redevelopment area and to help Buena Vista Township implement its redevelopment plan. This resolution would be up to the Policy Committee as to whether or not it wants to advance it to the full Commission.

Commissioner Ashmun made a motion that the Committee recommend to the Commission that it substitute resolution #3 for resolution #1, which is currently pending before the Commission. Commissioner Tomasello seconded the motion.

Chairperson Wilson asked if there are any questions on the motion.

Commissioner Galletta arrived at this time.

Commissioner Lee stated that because there is a recommendation pending before the Commission he would like to be clear on where his colleagues on this Committee stand on Commissioner Ashmun's motion before he votes and that there is substantial support among this Committee for the motion.

Commissioner Ashmun indicated that resolution #3, as opposed to resolution #2 that she proposed at the last Commission meeting, is mostly clarification of the items she was trying to accomplish in resolution #2.

Mr. Stokes explained that resolution #3 is essentially the same as resolution #1 with a variety of additions, specifically, what the ordinance does and does not do. It also confirms that the ordinance is limited in its scope and applicability. He said that DAG Haynes suggested that staff remove from the original resolution language regarding working with the Township on the community wastewater treatment system and to deal with this matter separately, which is in resolution #4.

Commissioner Lee asked if this is being done as a package and that by recommending resolution #3, the Committee would also be recommending resolution #4.

Mr. Stokes replied that under the Commission's regulations, he has an obligation to present to the Commission recommendations for certification of municipal ordinances. He said that he would also recommend resolution #4, but needs to get the Policy Committee's endorsement.

Commissioner Ashmun said that her motion is to recommend to the Commission that they substitute resolution #3 for resolution #1.

Commissioner Haas stated that he supported resolution #1 but feels resolution #3 makes it clearer to him and he supports #3.

Commissioner Lloyd stated that he also supports the substitution of resolution #3 for #1 because it clarifies a lot of the concerns that have been expressed with resolution #1. He said that he also supports resolution #4 and he believes that the Committee should vote separately on it.

Chairperson Wilson asked Mr. Stokes to call the roll on the motion to recommend to the full Commission the substitution of resolution #3 for #1.

Mr. Stokes stated that a whereas clause would be added to resolution #3 that says that the CMP Policy and Implementation Committee agrees that this resolution should be considered by the Commission. He also stated that Commissioner Hagaman will not be voting on this motion unless one of the other members of the Committee recuses him or herself.

Ashmun	yes	Tomasello	yes
Ficcaglia	yes	Wilson	yes
Lee	yes	Haas	yes
Lloyd	yes		

The motion passed by a vote of 7 in the affirmative.

Mr. Stokes referred to resolution #4 and said that it expands upon the Commission partnering with Buena Vista Township on the redevelopment of Richland Village and to include: pursuing a community onsite wastewater treatment system; monitoring the implementation of the ordinance; and submitting a report in 3 years to the Commission on the joint effort of implementation. He said that he recommends that the Committee consider forwarding resolution #4 to the Commission.

Commissioner Ficcaglia made a motion to recommend resolution #4 to the full Commission. Commissioner Tomasello seconded the motion. The Committee approved the motion with Commissioner Ashmun abstaining.

Mr. Stokes stated that a whereas clause would be added to resolution #4 that says that the CMP Policy and Implementation Committee agrees that this resolution should be considered by the Commission.

Mr. Stokes stated that resolutions #3 and #4 will be distributed to all members of the Commission this afternoon or tomorrow morning for discussion at the January 11 Commission meeting.

Chairperson Wilson thanked Mr. Tyshchenko for all his work regarding this matter.

Continued discussion of proposed CMP amendments related to cluster development in the Forest and Rural Development Areas

Mr. Stokes stated at the Committee's last meeting, staff reintroduced the clustering proposal to the Committee. He said that he made a brief presentation addressing one of the questions of concerns that he and others had as to whether the density bonus provisions might be further refined to reflect differing land and conservation values. He said that Mr. Liggett and Ms. Grogan identified four principal areas of inquiry that the Committee might wish to review. Staff's suggestion is to focus on #1 first and when satisfied move on to #2, 3, 4 and so on, without making any final decisions until the final package is considered.

Chairperson Wilson stated that the option of doing nothing should be kept on the table because there may be compelling reasons to leave the regulations as they are.

Mr. Stokes stated that Ms. Grogan attached the March 2006 rule proposal which was advanced to the full Commission. The Commission elected not to act on it at that time. This is where it stands at this point in time. This proposal reflects a lot of the discussion and a number of changes to the early clustering proposal. A copy of his November presentation is also included. He said that the first question Mr. Liggett and Ms. Grogan posed is where the clustering of residential development should occur on any particular parcel. They referred the Committee to page 26 of the rule proposal for those requirements.

Ms. Grogan referred to the bottom of page 26, #4 and indicated that this is where the standards start for where on a particular property the clustering development should actually occur. She said for the most part these are pretty obvious standards and are the logical places where the development would be located. She summarized the standards in #4.

Commissioner Lee stated that it is not obvious to him what the Commission's standard is for protecting mature woodlands.

Mr. Stokes stated that #1 and 2 are specific standards from elsewhere in the CMP. He said that number 3 he views more as a recommendation rather than a strict obligation and that all things would be a function of what the circumstances are on the site.

Chairperson Wilson asked how this can be a recommendation with this kind of flexibility when #4 says “all development shall...”, and being attached to a “shall” she doesn’t think is a recommendation but rather a mandate.

Mr. Stokes stated that he understands that but as one reads this it could be interpreted as being obligatory in every case and he is not sure that was the intent of #3, with the exception of historic resources, also from elsewhere in the CMP.

Mr. Liggett explained these #3 standards came from the staff’s review of the literature back when the clustering discussion began a few years ago. These are the kinds of environmental features that should be designed around on a site to the maximum extent feasible.

Commissioner Lloyd said that he understands that one of the uses for the non clustering part of the property is forestry and asked if this is correct. He asked if so, how this relates to protecting mature woodlands.

Mr. Stokes stated that one can’t look at the design part of this without looking then at the management part. The design part is not intended to prohibit management of a forest, whether it be mature woodlands or less than mature woodlands.

Commissioner Lee referred to page 26 numeral 3. He suggested that this section should continue to refer only to historic, cultural, and archeological resources. A new section 6 should be added to indicate that important features such as mature woodlands, record trees, active agriculture and natural meadows should be considered when putting together a cluster development. He said that this incorporates what Mr. Stokes and Mr. Liggett are saying.

Chairperson Wilson concurred.

Commissioner Ashmun stated that she has a number of questions and concerns with the clustering proposal which she would like addressed at a future meeting. She listed the following:

- ? Where will the nitrate dilution model calculations will be done. At the parcel line (the edge of the cluster)? Will people get their water from wells on site and if so, will they meet the 10 ppm standard?
- ? Clustering will accelerate development in the Forest and Rural Development Areas to a huge extent.

- ? Why isn't amending the PDC program being given priority over clustering since it involves allocating PDCs in the Forest Area?
- ? It would be helpful to have the Forest Advisory Committee's report so one would know what is meant by "forestry" on the open space lands.
- ? The bonus densities for the Forest Area will lead to more housing in that management area than the Commission ever anticipated or perhaps the system can tolerate.
- ? There seems to be a lack of control on agricultural use of the open space land. This equates to a double use of the land which is being deed restricted because the houses are being put in a cluster. There is no way of knowing whether the agricultural use will be a greenhouse, resulting in a lot of impervious surface on that land or a lot of nitrate fertilizers on it, meaning that the 2 ppm standard would not be met at the parcel line.
- ? There is no indication that one can't clear cut as part of the 50% expansion of existing agricultural use. It is not clear to her what one can really do in that expanded area.
- ? How will the calculations be done if one happens to own land in a 5 acre Forest zone versus a 20 acre Forest zone?
- ? What is meant on page 17 of the rule proposal when it says 11,000 acres would be consumed? It seems to her it simply means those lands are not deed restricted and not used for agriculture.
- ? The soil maps for the Forest Area do not show much prime agricultural soil. The Forest Area does not contain a lot of agriculture. It seems odd that limitations on agriculture on the open space lands resulting from clustering would have much of a negative impact for farming.
- ? The current rules indicate the "used" land can't be developed and it seems to her that agriculture is development by definition, under the Municipal Land Use Law.
- ? Does agricultural expansion, or any of the other clustering calculations, exclude wetlands?
- ? Would a cluster proposal require a T&E survey automatically or not?
- ? Is it because the agricultural uses in the Forest Area are scattered that they are not recommended for redesignation as Agricultural Production Areas?
- ? How do the density bonus provisions and those limiting the use of the open space lands relate to Mr. Bolan's proposal for open space zoning where the large open

space lot (the remainder lot) is belongs to one property owner? Would there be the same restrictions on the use of that lot or not?

- ? Are the areas listed on page 27 excluded from the density calculations?
- ? If a community wastewater system is required, would the lands necessary for that system be part of the cluster calculation or part of the open space calculation?
- ? Where does agricultural use of nitrates fit in? How are impervious surfaces on the agricultural land controlled? Designating areas for agricultural use does not equate to permanent protection and this needs to be defined on page 31.
- ? On page 33 of the rule proposal, wetlands and other undevelopable lands are included as having equal development value to uplands and non habitat areas.

Chairperson Wilson asked how Mr. Stokes will proceed with Commissioner Ashmun's questions and concerns, as well as those of other Committee members.

Mr. Stokes replied that it would be helpful if the Committee had a discussion and then staff will offer some suggestions as to how best to proceed.

Commissioner Lee said that the Committee should take into account the best it can the questions that Commissioner Ashmun has raised today but should have the discussion along the lines that was proposed in the staff's memo.

Commissioner Ficcaglia stated that she has concerns about agricultural use of the dedicated open space with clustering because it seems to be encouraging a much more intensive use on those parcels than if they were developed with one house per 15 or 25 acres. She said that she is not sure why the Committee is departing from that standard and she has serious concerns about it.

Chairperson Wilson stated that the reason the Committee is dealing with clustering is that it agreed to do so during the last Plan Review process. Also, the timing is right because of development pressures that are foreseen and the Commission should be prepared.

Mr. Stokes stated that staff believes the clustering proposal has significant conservation value as well as from a regulatory standpoint. He said that he has suggested the bonus provision recognize assigned zone density as well as parcel size. To some degree, this responds to Commissioner Ashmun's question about a property in a 5 acre zone receiving the same bonus as a property in a 25 or 50 acre zone. He said that he thinks the answer to that is no and the person in the lower density zone should get a slightly higher bonus. That equates to very little additional development but much less disturbance. He said that he will be happy to try and address all of the concerns that the Committee has. He said that he understands the concern about agricultural uses and it is reasonable to recognize existing agricultural uses where they do currently exist. Based on the work that

has been done to date, existing agriculture in the Forest Area is nominal. There could be pockets of agricultural lands that could be designated by a municipalities as Agricultural Production Areas.

Ms. Grogan said that a number of the municipalities (Buena Vista, Hammonton and Mullica) did exactly that in recent years but there are other municipalities which could do so in the future.

Commissioner Ashmun stated that it is not clustering that bothers her so much except for the fact that in the near term, it will accelerate what happens in the Forest Area. That aside, she believes clustering is a good concept; it is the uncontrolled use of the residual land that bothers her. Commissioner Ficcaglia agreed.

Mr. Stokes said that the expansion of agricultural uses was not in the staff's original recommendation to the Committee but was something that the Committee discussed and decided to change over time.

Commissioner Lloyd said that periodical data on this would be helpful to review again. To the extent that the Committee is advocating clustering because it wants to prevent forest fragmentation, if there is an existing agricultural use, fragmentation is not an issue. There are different goals and perhaps there should be a different approach depending on the existing use of the land.

Commissioner Ashmun stated that she doesn't have any problems recognizing existing agricultural uses; it is just how that takes place, what controls there are and how agriculture is defined. She said that the Commission should have some control over the use of that land because the nitrate capability has already been used up.

Commissioner Lee stated that there appears to be concern with creeping agricultural uses. He stated that existing agriculture as he understands it is only likely to continue if there is a critical mass, a vitality to the industry and the ability to adapt and change with time, certainly subject to standards. He said he thinks to just say "no" is not a recipe for long term health of an industry, nor would it respecting the mandate of the Commission's legislation to preserve and protect the agricultural base. He believes that the agricultural base is in fact shrinking in the Pinelands; it is not expanding at a great rate and is not threatening to expand. There are ways to work this out. He has been a proponent for clustering for nearly 25 years and a mandate to do this to avoid the scattered and piecemeal residential development which truly fragments the forest.

Commissioner Lloyd said that there appears to be a disconnect. He said that Commissioner Lee is correct and that there are ways to deal with existing agriculture and come up with a clustering proposal. He said that he is concerned with the reserved land. He said that if there is an agricultural area where it needs to be expanded for economic purposes he is open to that. There needs to be discussion because there seems to be a disconnect between what is here, and what is on the ground, and what is really happening.

Commissioner Lee stated that agriculture is permitted use in the Forest Area; however, the proposal to limit expansion of existing agriculture to 50% relies on a standard which the CMP uses for nonconforming uses. He said he is concerned with this limitation and its potential impacts on the vitality of the industry.

Commissioner Ficcaglia said that it is not an agricultural issue; it is a land use issue. If agriculture is viable then there is no reason for the farmer to sell his land to subdivide and he would keep that land and he would farm it. She said that if the farmer sells his land to subdivide and is keeping a portion of it for agricultural use it is a much more intensive use than either the houses or the agriculture. She is puzzled that the Committee is proposing this in areas where it is trying to avoid further fragmentation.

Mr. Stokes explained that this is why the proposal does not allow the establishment of a new agricultural use.

Commissioner Ficcaglia asked about clearing for a forest management program.

Mr. Stokes said that this is a valid question which needs to be explored. He said that having a mandatory clustering program that applies in at least the Pinelands Forest Area is a tremendous improvement over what the Commission has today.

Commissioner Hagaman said that he is in favor of clustering and is concerned the Commission seems to be against agriculture. He said that no one ever talks about land that has been lost in New Jersey to housing. He said that what the Commission is doing is going to cause the farmer to sell his land to a developer because this is where the money is.

Mr. Stokes stated that the proposal does not in any way affect a farmer's ability to farm his or her land anywhere in the Pinelands Area. He said that it is not a choice of building homes or farming, but what happens to the balance of the property.

Commissioner Ashmun said that she reads the CMP to say that one can certainly cluster in the Forest Area anytime one wants to.

Ms. Grogan replied that is correct, if the property owner chooses to do so and the municipality chooses to allow it.

Commissioner Ashmun said that she understands that but clustering is not currently prohibited.

Mr. Stokes replied that is correct. However, no one is doing cluster development now. Instead, development on large estate lots has become very popular.

Mr. Stokes stated that the Committee will soon have before it an ordinance by Upper Township that proposes clustering in the Forest Area that doesn't mirror the minimum standards of the CMP.

Commissioner Kennedy stated that he favors clustering and his preference is for clustering into the villages. He noted the proposal does allow for that and instead of focusing on bonuses related to on-site clustering, the Committee may want to include some incentives to facilitate clustering into villages. He confirmed that the New Jersey Department of Agriculture cites clustering as a tool for promoting agriculture. Many rural townships in New Jersey have clustering ordinances, both contiguous and non contiguous, that do allow for active working lands programs such as agriculture or forestry management to occur on the deed restrictive lands. The Committee also has to think about the towns and provide incentives for them to change their ordinances and work with the Pinelands to move ahead. These are two very compelling reasons to do this—lands still under the tax roles and not in the public management.

Commissioner Galletta stated that after listening to the presentation from Mr. Carver from CREDA, who had said that there were going to be 40,000 new jobs in the next 10 years, he believes this clustering is very important to address at this point. He said that he believes all the Villages, Regional Growth Areas, and Forest Area will be hit, noting that clustering is a good way to prevent resources from being wasted by staying ahead of this curve. He said that he does support clustering.

Mr. Stokes stated that staff will review as many questions as it can and come back to the Committee with answers and some options.

Public Comment

Mr. Carleton Montgomery from the Pinelands Preservation Alliance stated that PPA supports the clustering approach and feels it is necessary. He said that the Forest Area and the Rural Development Area are not working the way they are intended to. He said accelerating development is just a matter of time and the concern should be what it is going to look like when it is done, not when it will come. He said that PPA has a number of concerns and questions such as the relationship between clustering and density transfer. He said it would be helpful to have a clearer idea how these two different sets of rules will interplay with one another. He said that the report says that the Forest Area has a minimum of 3.2 acre lot requirement even if a cluster development is used or density transfer and asked if this is correct and said that it would be helpful to have that clarified. PPA would like the Commission to address the question of the kinds of uses that may fall within what is legally termed agriculture but which would be fundamentally incompatible with the purpose of the clustering. On the ownership issue, PPA would not be comfortable with having the common open space land be appurtenant to an individual's property. There have to be mechanisms for the stewardship or management of this land. It would be helpful to have the new forestry report and standards so everyone will know

what is meant by forestry and forest stewardship. These are the items PPA would like the Commission to consider as it moves forward.

Mr. Harry Monesson from Pemberton Township stated that farmers get old and would like to retire but they are not able to do it because they can't subdivide and sell their lands. A farmer's land represents his retirement. He said that one individual on the Committee explained that there was a down trend in farming. Several people were interested in purchasing his property but they got frightened when he explained the complications with the Pinelands Commission and its regulations. He stated there is a fire danger involved in clustering and this is the only point that needs further examination; otherwise it is good idea.

Jaclyn Rhodes referred to the Gypsy Moth Suppression Program. She said that currently the program only allows the use of BT when aerially applied over areas that have certain Gypsy Moth counts. This year the Department of Agricultural is again proposing to use Dimilin in certain areas (forested residential communities). It is PPA's hope that DEP won't lift the current ban on Dimilin. She urged the Commission to express its concerns regarding the use of a broad spectrum insecticide over these forested residential communities to the Governor's office as well as to DEP. She said that there is a meeting scheduled in Southampton next week where DEP will be providing a presentation on this matter.

Commissioner Ashmun asked for the status of the forestry report.

Ms. Grogan stated that she is still in the process of turning the forestry report into proposed regulations.

Commissioner Ficcaglia moved to adjourn the meeting. Commissioner Haas seconded the motion. The Committee agreed to adjourn the meeting at 11:50 a.m.

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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center / Terrence D. Moore Lecture Hall
15C Springfield Road
New Lisbon, New Jersey
January 7, 2008

SUMMARY

The Committee **adopted the minutes** of the November 28, 2007 meeting.

The Committee **recommended Commission certification** of the following documents:

Hamilton Township Ordinance 1606-2007 (Redevelopment Plan for the Mill Complex Redevelopment Area within the Township's Regional Growth Area)

Stormwater Management Plans and Ordinances (Responses to 2006 CMP Amendments) for the following municipalities:

Beachwood Borough
Buena Borough
Lakehurst Borough
Franklin Township

The Committee reviewed and approved two alternative resolutions related to the certification of Buena Vista Township Ordinance 19-2007 and the Richland Village Redevelopment Area. Those resolutions were then provided to all members of the Commission for consideration at today's meeting.

The Committee continued its discussion of the Forest and Rural Development Area clustering

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